

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

Liliana Carolina Yanes,

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x  
Case No. 25-cv-01376

Plaintiffs,

**ANSWER TO COMPLAINT**

-against-

Nilkhant 2 Car Wash, LLC d/b/a Bethpage Car Wash,  
Rakeshbhai Patel, Darpan Patel and Ronak Patel,

Defendants.

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x  
Defendants, Nilkhant 2 Car Wash, LLC d/b/a Bethpage Car Wash and Ronak Patel  
("Defendants"), by their attorney, IRA LEVINE, ESQ., as and for their answer to the Complaint:

**WITH RESPECT TO INTRODUCTION**

1. Deny the allegations contained in ¶ 1 of the Complaint.

**WITH RESPECT TO JURISDICTION AND VENUE**

2. Neither admit nor deny the allegations contained in ¶ 2 of the Complaint as same does not assert any facts which require a response. To the extent that a response is required, Defendants deny the allegations contained in ¶ 2 of the Complaint.

3. Neither admit nor deny the allegations contained in ¶ 3 of the Complaint as same does not assert any facts which require a response. To the extent that a response is required, Defendants deny the allegations contained in ¶ 3 of the Complaint.

4. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 4 of the Complaint.

5. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 5 of the Complaint.

6. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 6 of the Complaint.

**WITH RESPECT TO PARTIES**

7. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 7 of the Complaint.

8. Deny the allegations contained in ¶ 7 of the Complaint.
9. Admit the allegations contained in ¶ 9 of the Complaint.
10. Admit the allegations contained in ¶ 10 of the Complaint.
11. Deny the allegations contained in ¶ 11 of the Complaint.
12. Deny the allegations contained in ¶ 12 of the Complaint.
13. Deny the allegations contained in ¶ 13 of the Complaint.
14. Deny the allegations contained in ¶ 14 of the Complaint.
15. Deny the allegations contained in ¶ 15 of the Complaint.
16. Deny the allegations contained in ¶ 16 of the Complaint.
17. Deny the allegations contained in ¶ 17 of the Complaint.
18. Deny the allegations contained in ¶ 18 of the Complaint.
19. Deny the allegations contained in ¶ 19 of the Complaint.
20. Deny the allegations contained in ¶ 20 of the Complaint.
21. Deny the allegations contained in ¶ 21 of the Complaint.
22. Deny the allegations contained in ¶ 22 of the Complaint.
23. Deny the allegations contained in ¶ 23 of the Complaint.
24. Deny the allegations contained in ¶ 24 of the Complaint.
25. Deny the allegations contained in ¶ 25 of the Complaint.

26. Deny the allegations contained in ¶ 26 of the Complaint.
27. Deny the allegations contained in ¶ 27 of the Complaint.
28. Deny the allegations contained in ¶ 28 of the Complaint.

**WITH RESPECT TO THE FACTS**

29. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 29 of the Complaint.
30. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 30 of the Complaint.
31. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 31 of the Complaint.
32. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 32 of the Complaint.
33. Deny the allegations contained in ¶ 33 of the Complaint.
34. Deny the allegations contained in ¶ 34 of the Complaint.
35. Deny the allegations contained in ¶ 35 of the Complaint.
36. Deny the allegations contained in ¶ 36 of the Complaint.
37. Deny the allegations contained in ¶ 37 of the Complaint.
38. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 38 of the Complaint.
39. Deny the allegations contained in ¶ 39 of the Complaint.
40. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 40 of the Complaint.
41. Deny the allegations contained in ¶ 41 of the Complaint.

42. Deny the allegations contained in ¶ 42 of the Complaint.
43. Deny the allegations contained in ¶ 43 of the Complaint.
44. Deny the allegations contained in ¶ 44 of the Complaint.
45. Deny the allegations contained in ¶ 45 of the Complaint.
46. Deny the allegations contained in ¶ 46 of the Complaint.
47. Deny the allegations contained in ¶ 47 of the Complaint.
48. Deny the allegations contained in ¶ 48 of the Complaint.
49. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 49 of the Complaint.
50. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 50 of the Complaint.
51. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 51 of the Complaint.
52. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 52 of the Complaint.
53. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 53 of the Complaint.
54. Deny the allegations contained in ¶ 54 of the Complaint.
55. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 55 of the Complaint.
56. Deny the allegations contained in ¶ 56 of the Complaint.
57. Deny the allegations contained in ¶ 57 of the Complaint.
58. Deny the allegations contained in ¶ 58 of the Complaint.

59. Deny the allegations contained in ¶ 59 of the Complaint.
60. Deny the allegations contained in ¶ 60 of the Complaint.
61. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 61 of the Complaint.
62. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 62 of the Complaint.
63. Deny the allegations contained in ¶ 63 of the Complaint.
64. Deny the allegations contained in ¶ 64 of the Complaint.
65. Deny the allegations contained in ¶ 65 of the Complaint.
66. Deny the allegations contained in ¶ 66 of the Complaint.
67. Deny the allegations contained in ¶ 67 of the Complaint.
68. Deny the allegations contained in ¶ 68 of the Complaint.
69. Deny the allegations contained in ¶ 69 of the Complaint.
70. Deny the allegations contained in ¶ 70 of the Complaint.
71. Deny the allegations contained in ¶ 71 of the Complaint.
72. Deny knowledge and information sufficient to form a belief with respect to the allegations contained in ¶ 72 of the Complaint.
73. Deny the allegations contained in ¶ 73 of the Complaint.
74. Deny the allegations contained in ¶ 74 of the Complaint.
75. Deny the allegations contained in ¶ 75 of the Complaint.

**WITH RESPECT TO COUNT I**

76. Neither admit nor deny the allegations contained in ¶ 76 of the Complaint, as same does not assert facts that require a response. Defendants refer to the Court for the contents of the statute and the rights and obligations of the parties therein. To the extent that a response is required, Defendants deny the allegations in in ¶ 76 of the Complaint.

77. Neither admit nor deny the allegations contained in ¶ 77 of the Complaint, as same does not assert facts that require a response. Defendants refer to the Court for the contents of the statute and the rights and obligations of the parties therein. To the extent that a response is required, Defendants deny the allegations in in ¶ 77 of the Complaint.

78. Deny the allegations contained in ¶ 78 of the Complaint.

79. Deny the allegations contained in ¶ 79 of the Complaint.

80. Deny the allegations contained in ¶ 80 of the Complaint.

**WITH RESPECT TO THE SECOND COUNT**

81. Neither admit nor deny the allegations contained in ¶ 81 of the Complaint, as same does not assert facts that require a response. Defendants refer to the Court for the contents of the statute and the rights and obligations of the parties therein. To the extent that a response is required, Defendants deny the allegations in in ¶ 81 of the Complaint.

82. Deny the allegations contained in ¶ 82 of the Complaint.

83. Deny the allegations contained in ¶ 83 of the Complaint.

84. Deny the allegations contained in ¶ 84 of the Complaint.

**WITH RESPECT TO THE THIRD COUNT**

85. Deny the allegations contained in ¶ 85 of the Complaint.

86. Deny the allegations contained in ¶ 86 of the Complaint.

87. Deny the allegations contained in ¶ 87 of the Complaint.

88. Deny the allegations contained in ¶ 88 of the Complaint.

89. Deny the allegations contained in ¶ 89 of the Complaint.

**WITH RESPECT TO THE FOURTH COUNT**

90. Neither admit nor deny the allegations contained in ¶ 81 of the Complaint, as same does not assert facts that require a response. Defendants refer to the Court for the contents of the statute and the rights and obligations of the parties therein. To the extent that a response is required, Defendants deny the allegations in in ¶ 90 of the Complaint.

91. Deny the allegations contained in ¶ 91 of the Complaint.

92. Deny the allegations contained in ¶ 92 of the Complaint.

**WITH RESPECT TO THE FIFTH COUNT**

93. Neither admit nor deny the allegations contained in ¶ 93 of the Complaint, as same does not assert facts that require a response. Defendants refer to the Court for the contents of the statute and the rights and obligations of the parties therein. To the extent that a response is required, Defendants deny the allegations in in ¶ 93 of the Complaint.

94. Deny the allegations contained in ¶ 94 of the Complaint.

**WITH RESPECT TO THE SECOND NUMBERED FIFTH COUNT**

95. Neither admit nor deny the allegations contained in ¶ 95 of the Complaint, as same does not assert facts that require a response. Defendants refer to the Court for the contents of the statute and the rights and obligations of the parties therein. To the extent that a response is required, Defendants deny the allegations in in ¶ 95 of the Complaint.

96. Deny the allegations contained in ¶ 96 of the Complaint.

**WITH RESPECT TO THE SIXTH COUNT**

97. Neither admit nor deny the allegations contained in ¶ 97 of the Complaint, and begs leave to refer to the statute quoted for the rights and obligations of the parties thereto.

98. Deny the allegations contained in ¶ 98 of the Complaint.

**AFFIRMATIVE AND OTHER DEFENSES**

99. Defendants assert the following affirmative and other defenses without assuming any burden of production or proof that they would not otherwise have. Defendants further assert that, to the extent that the plaintiff's claims as alleged are vague or unclear, so as to render it difficult or impossible to identify and assert every possible affirmative or other defense, Defendants hereby expressly reserve their rights to assert additional defenses should further proceedings in this action, including the progress of any discovery, reveal that such additional defenses would be applicable and appropriate.

**AS AND FOR A FIRST DEFENSE TO THE COMPLAINT**

100. The statements and allegations contained in the plaintiff's Complaint may fail to state any valid claims or cause(s) of action upon which relief can be granted as a matter of fact and/or law.

**AS AND FOR A SECOND DEFENSE TO THE COMPLAINT**

101. Defendants state, in the alternative if necessary, that any actions or omissions with respect to the plaintiff were taken in good faith with reasonable grounds to believe that such conduct comported with the requirements of governing laws.

**AS AND FOR A THIRD DEFENSE TO THE COMPLAINT**

102. This Court does not have and/or should decline to exercise supplemental jurisdiction over some or all of the state and/or local law claims asserted by the plaintiff.

**AS AND FOR A FOURTH DEFENSE TO THE COMPLAINT**

103. Some or all of these answering defendants were not the plaintiff's "employer" as such term may be defined and/or construed under applicable federal, state, and local laws and/or regulations.

**AS AND FOR A FIFTH DEFENSE TO THE COMPLAINT**

104. Defendants state, in the alternative if necessary, that if any of the Defendants are found to have violated any law or regulation, that any such violation was not willful.

**AS AND FOR A SIXTH DEFENSE TO THE COMPLAINT**

105. Some or all of the causes of action alleged in the Complaint are barred, in whole or in part, by the applicable statutes of limitation.

**AS AND FOR A SEVENTH DEFENSE TO THE COMPLAINT**

106. Subject to proof through discovery, some or all of the claims asserted by the plaintiff may be barred in whole or in part, and/or may merit a reduction in any damages award, under the doctrine of after-acquired evidence.

**AS AND FOR AN EIGHTH DEFENSE TO THE COMPLAINT**

107. Subject to proof through discovery, some or all of the claims asserted by the plaintiff may be barred in whole or in part, and/or may merit a reduction in any damages award, under the doctrine of unclean hands.

**AS AND FOR A NINTH DEFENSE TO THE COMPLAINT**

108. Subject to proof through discovery, some or all of the claims asserted by the plaintiff may be barred in whole or in part, and/or may merit a reduction in any damages award, by the doctrines of estoppel, quasi-estoppel, collateral estoppel and/or equitable estoppel.

**AS AND FOR A TENTH DEFENSE TO THE COMPLAINT**

109. Subject to proof through discovery, some or all of the claims asserted by the plaintiff may be barred in whole or in part by the doctrines of laches and/or waiver.

**AS AND FOR AN ELEVENTH DEFENSE TO THE COMPLAINT**

110. Some or all of the plaintiff's claims are barred, in whole or in part, as a result of the plaintiff's agreement to waive any such claims and release some or all of the Defendants from any liability for any such claims.

**AS AND FOR A TWELFTH DEFENSE TO THE COMPLAINT**

111. Subject to proof through discovery, some or all of the plaintiff's claims may be barred and/or reduced in whole or in part because the plaintiff may have failed to mitigate her alleged damages.

**AS AND FOR A THIRTEENTH DEFENSE TO THE COMPLAINT**

112. Any actions and/or omissions with respect to the plaintiff's alleged employment were taken and/or omitted for legitimate, non-discriminatory business reasons.

**AS AND FOR A FOURTEENTH DEFENSE TO THE COMPLAINT**

113. All actions taken or omitted with respect to the plaintiff's alleged employment were taken and/or omitted in good faith, without any malice, evil motives, callous indifference, reckless indifference, or willfulness.

**AS AND FOR A FIFTEENTH DEFENSE TO THE COMPLAINT**

114. Defendants neither engaged in the purported discrimination as alleged, nor aided or abetted it, nor encouraged, condoned, acquiesced or approved of any alleged discrimination against the plaintiff.

**AS AND FOR A SIXTEENTH DEFENSE TO THE COMPLAINT**

115. The plaintiff's claims may be barred, in whole or in part, because the plaintiff unreasonably failed to promptly take advantage of preventative or corrective opportunities provided or to avoid harm otherwise.

**AS AND FOR A SEVENTEENTH DEFENSE TO THE COMPLAINT**

116. Subject to proof through discovery, some or all of the claims asserted by the plaintiff may be barred in whole or in part, and/or may merit a reduction in any damages award, by the faithless servant doctrine and/or the plaintiff's having engaged in unlawful activity during her employment.

**AS AND FOR AN EIGHTEENTH DEFENSE TO THE COMPLAINT**

117. Subject to proof through discovery, some or all of the claims asserted by the plaintiff may be barred because they were consensual in nature and may constitute non-actionable banter.

**RESERVATION OF RIGHTS TO ASSERT ADDITIONAL DEFENSES**

118. Defendants state that they currently have insufficient knowledge or information on which to form a belief as to whether they may have additional, as yet unstated, defenses available. As such, the Defendants expressly reserve the right to assert additional defenses in the event that discovery indicates that any such additional defenses would be appropriate.

WHEREFORE, Defendants respectfully request that judgment be entered by this Court as follows:

a. Dismissing the Complaint in its entirety, including any and all claims and/or causes of action asserted therein, with prejudice;

b. Awarding Defendants their reasonable attorney's fees, if deemed warranted, together with the costs and disbursements associated with this action.

Dated: Massapequa, New York  
April 25, 2025



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